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August 31, 2001

Dear Harold,

You probably think I dropped off the planet or was placed in the witness protection program, since I haven't written in such a long time. I can only say that this has been a very trying summer, with Manh-Trang working out in California and me teaching summer school in July and Aug., as well as maintaining a household with two teenagers. Nick and I did spend several weeks in California at the beginning of the summer. But since Manh-Trang had to work most of the time, it was not much of a vacation.

Unfortunately, Manh-Trang's job at Long Beach Memorial Hospital has turned out to be more stressful, demanding, and certainly not as rewarding as she had hoped it would be. Because she was older and had more experience than many of her fellow dietitians, she was given the most demanding clinics, such as the HIV clinic. She often worked nine or more hours and frequently did not have time for lunch or even to do the necessary paperwork, which she had to take home. The main culprit in her view was an oppressive and incompetent management staff. She liked the other dietitians and many of the doctors. But her efforts to get some relief fell on deaf ears; in fact, they even accused her of trying to manipulate her way into an easier position. Things came to a head just yesterday, and this morning she plans to submit her letter of resignation, which I edited and e-mailed back to her. She will stay out there for a while longer to check out some other possibilities such as doing translation work for the FBI (which her brother-in-law is currently doing), but it appears now she will head back to South Carolina eventually, probably before Christmas.

On the home front, things have gotten a lot better with Claire. She started college this past week at the local branch of the University of South Carolina. Her attitude is much improved and she seems open to taking our advice. She may eventually transfer to Wofford, where she can go free. Nick is in the 10th grade. He is going out for football. And he is still playing the violin. The high school orchestra will be travelling to Europe for 10 days this coming May '02, and if he sticks with it he will go with them.

Most of the reading I have done this summer has been for my urban sociology class. However, I did enjoy reading several more of Howard Fast's novels. I especially liked The Immigrants. I haven't done any reading or research on JFK or King. One of these days I will probably pick up Specter's book. Dennis tells me you've finished an exposé of it, which I would like to read some time.

I know these past months (and years) have been difficult for you and Lil. I wish you all the best and promise to keep in touch more often.

Best,  
*Gerry*

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Press Coverage of the Investigation and Controversy  
Surrounding the JFK Assassination: The Case of Time Magazine

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Among our most cherished and heralded freedoms, one of the cornerstones of our democracy, is that of freedom of the press. An independent, inquiring, indeed critical, press is one of the keys to insuring that our government not only works honestly but well. Informed criticism is as necessary to hone the skills and knowledge of the carpenter or physician as it is to guarantee that institutions such as government work properly. Without questions being asked, alternative views being given a fair hearing, new knowledge being sought, government, as would any institution, becomes moribund -- ideologically rigid and open to manipulation by those who happen to be in power. Like that "great and noble steed" Socrates spoke of in The Apology, government needs to be prodded and aroused by gadflies. In modern society, an independent press has emerged as a crucial source of informed criticism, prodding, arousing, occasionally stinging, institutions such as government into reevaluating their policies and hopefully doing better.

The collapse of the Soviet Union, among several other communist regimes in the past decade, can be ascribed in part to the lack of an independent press. The former Soviet Union, as well as regimes such as China today, controlled the press and made news reporting an instrument of propaganda, extolling the achievements of their system while ignoring the growing problems it faced -- the environmental disasters, human rights abuses, among other calamities, which went unchecked until the regime collapsed under the weight of these neglected problems.

In America, as in other democratic societies, the nominal independence of the press can be easily demonstrated. Clearly, newspapers, magazines, television stations, among other media, are not owned and managed by the government. They may be regulated to a certain degree by agencies such as the FCC, but such regulation does not extend to dictating the specific content of what they broadcast or print. Because of their independent status, people look to these sources to get the information and perspective necessary to evaluate what government is doing. Although the heightened emphasis on the

entertainment value of the news has clearly undermined the value of this information in recent decades (1), it is nonetheless still true that the press must serve as a vital source of reliable information on what is happening in our society.

I could continue to extol in the abstract the virtues of an independent press in our society, however, to do so would belie the unfortunate reality of how the press has abdicated its most basic obligation in late 20th-century America. Mark Hertsgaard, in his very perceptive book appropriately entitled, On Bended Knee, exposes the sychophantic, uncritical role of the press during the Reagan presidency. A major part of the story Hertsgaard tells is:

"... how leading journalists and news organizations, with honorable individual exceptions, allowed themselves to be used. As much through voluntary self-censorship as through government manipulation, the press during the Reagan years abdicated its responsibility to report fully and accurately to the American people what their government was really doing. The result was not only a betrayal of American journalism's public trust but also an impoverished democracy." (2)

Mr. Hertsgaard could not have better described the press's failure in its coverage of an earlier event in our history, a tragedy which not only was an important turning point in our history but also has had profound implications for how our government is viewed today. I am speaking of the assassination of President John F. Kennedy on November 22, 1963.

The crisis engendered by President Kennedy's death did not dissipate with the quick transition to the Johnson presidency or the arrest and subsequent killing of the prime suspect in the assassination, but it lingered on for months as a special executive commission known as the Warren Commission investigated the crime. Rumors of conspiracy involving either left-wing or right-wing elements, not to mention the possibility of JFK's successor being involved in some way, circulated widely. Indeed, President Johnson himself played on such fears in his successful effort to convince Chief Justice Earl Warren to head up this commission. (3)

The release of the Warren Report in late September, 1964, abated the crisis only momentarily, for it wasn't long before substantial doubts emerged about the integrity of that investigation and the soundness of its case against the lone-assassin, Lee Harvey Oswald. What began as a crisis created

by the violent overthrow of our duly elected leader, a de facto coup d'etat (4), became a long-term, gnawing crisis of confidence in our government and its willingness to tell the truth about the assassination. I believe it is no exaggeration to suggest that the manifest distrust, even cynicism, that many people today harbor toward government and politicians, including particular agencies such as the FBI and CIA, stems in no small part from the American people's well-founded belief that they have been deceived all these years about what happened to their President on November 22, 1963. (5)

And one might wonder, where has the press, that watchdog of government, been during all these years of crisis and controversy? Why hasn't the press, with all the resources it commands, been able to resolve these doubts and get to the bottom of this controversy?

For the most part, the press, having loudly proclaimed Oswald's guilt from the very beginning; then praising the Warren Report in the most glowing terms some nine months later, became the official story's (and thereby, the government's) staunchest defender. It staked its reputation on trying to convince the American people that, indeed, the crime was committed by that lone-nut Oswald and that our government conducted a thorough investigation establishing his guilt "beyond reasonable or even rational doubt," in the fervid words of Time magazine's publisher. (6)

What follows in this essay is a detailed case study of the press's coverage of the JFK assassination by a major newsmagazine in America, Time. Having read virtually every word Time has published on the assassination during the past 35 years, I can say without hesitation that Time largely failed to meet its obligations as an important component of the nominally independent press in this country. It uncritically accepted and faithfully reported official pronouncements as fact, regardless of the evidence on which these statements were based. Indeed, as we will see, on occasion Time even confused such statements with evidence, simply passing these statements or conclusions off as evidence. It is tantamount to someone declaring they are right simply because they say they are right. And when the magazine's editors and writers did venture to cover some of the persistent criticism and troubling revelations, it invariably came back to its "holy grail" of truth -- that the Warren commission, and indeed Time itself, have known all

along that Lee Harvey Oswald is the lone assassin of President Kennedy.

The journalistic "sins" Time committed in its grossly inadequate coverage of the assassination fall into four major categories. First, Time presumed Oswald guilty, just as the Dallas Police, FBI, and indeed Warren Commission itself did, right from the very start. Second, it allowed itself to be used by various government sources to condition the American people into accepting what J. Edgar Hoover himself had concluded within hours of Oswald's arrest -- that he was guilty. (7) Third, its treatment of both the critics and defenders of the Warren Report shows a distinct bias in favor of what Time considers the more "rational," "sober," analysis of those who agreed with the government's conclusions and against the critics who charged cover-up, deception, conspiracy. Especially inexcusable in this regard was Time's inability to distinguish responsible from irresponsible criticism. And, finally, perhaps the most egregious and indeed most unbelievable sin of all, Time almost never discusses the facts of the case. Most of its defense of the official story is based on a recitation of the Warren Report's assertions but hardly ever on a critical examination of the evidence, the facts, on which those assertions are supposedly based. Time, as have many of the Warren Report's defenders over the years, lambast the critics for being speculative, illogical, and worse (which many of them admittedly have been), but rarely do these rhetorical attacks get anywhere near the facts of the case.

#### First Sin: Presumption of Guilt

Time's first reporting on the assassination can be found in its November 29, 1963 issue, one week after that fateful day. In contrast to the daily newspapers and television coverage which reported the bizarre events of that weekend as they unfolded, the weekly newsmagazines had at least a few days to digest the information they received. Of course, if one followed the pronouncements of local authorities, it certainly seemed the case against

Oswald was overwhelming by the time Jack Ruby stepped in to snuff out his life. Perhaps the only major obstacle to this rush to judgment was Oswald's steadfast insistence that he was innocent, an insistence he sustained even when pressed for a confession as he lay dying in the basement of Dallas Police Headquarters. (8)

With Oswald's death, and thus no possibility that this allegedly overwhelming case against him could be publicly presented and tested in court, it fell to federal government authorities to make the case for Oswald as the lone assassin. As already noted, J. Edgar Hoover had made up his mind within hours of Oswald's arrest. That Sunday evening there were discussions involving Mr. Hoover, Deputy Attorney General Nicholas Katzenbach, and President Johnson about this situation. These discussions <sup>followed</sup> ~~culminated in~~ a memorandum <sup>typed the following day</sup> ~~issued the following day~~, by Mr. Katzenbach. It states the government's position in no uncertain terms that Oswald was the sole assassin:

"The public must be satisfied that Oswald was the assassin; that he did not have confederates who are still at large; and that the evidence was such that he would have been convicted at trial." (9)

The memo goes on to urge that speculation about Oswald's motivation should be cut off and that the FBI should issue a report on this as soon as possible -- proving Oswald guilty of course.

The FBI had already been involved in the investigation and it took the ball from here and began compiling its own report which it completed in less than three weeks. To no one's surprise, that report declared Oswald the sole assassin. That conclusory judgment, which is uncharacteristic of any investigatory agency, was leaked to the press. Most of that report, which was unavailable until it was later deposited in the National Archives along with other Warren Commission documents (and was labeled CD-1), consisted of biographical detail on Oswald. Regarding the crime itself, it contained less than 500 words in five volumes of material! (10) This overwhelming case the FBI had compiled ignored one of the victims, one of the wounds to President Kennedy, and did not even have the benefit of support from the autopsy report, which the FBI had declined to review! (11)



The Warren Commission had barely been formed and was in the process of having its first few organizational meetings when the FBI's leak became headline news across the country. Given the fact that the Warren Commission relied principally on the FBI to conduct its investigation, is it any wonder that its own Report would also contain an excessive amount of biographical detail on Oswald and comparatively little on the crime itself, although certainly more than the grossly inadequate original FBI report?

Given this background, I do not believe it is surprising, although certainly not excusable, that Time's initial reporting on the assassination presumes Oswald's guilt and relies heavily on biographical details. A cursory inspection of that November 29th issue bears this out, but a couple specific examples especially underscores this parallel. Among the obvious prejudicial statements this issue contains is the following assessment of Oswald's character: although certainly "no raving maniac...More than anything else, Oswald's life was one heading almost masochistically down dead end streets." (12)

Even more telling of Time's presumption of Oswald's guilt is a special historical insert in which Oswald is implicitly compared with earlier presidential assassins. Those earlier assassins, and by implication Oswald, are described as "... lonely psychopaths, adrift from reason in a morbid fascination with the place history gives those who reverse its orderly progress. Each sought an hour of mad glory -- and each died convinced that history would understand." (13) Powerful words, yet unfortunately at least one known fact at the time disqualifies Oswald from this infamous company -- he insistently denied he did it, and even in his dying breath did not seek his moment of "mad glory."

The psychological profile of Oswald that had developed early on was inconsistent but increasingly tilted toward psychopathology and violence. This comes through in Time's next issue on December 6th, which also features FBI leaks. In a section entitled, "The Man Who Killed Kennedy," (Time's presumption can't get more obvious than that), it mentions a key discovery made in New York City where Oswald's family lived for a time. "A psychiatric report concluded that he had schizophrenic tendencies and was 'potentially dangerous,' recommended that the boy be committed to an institution --..." (14) The source is not identified, but this could very well be what Dr. Renatus Hartogs told the FBI. The only problem with that statement is that it is false.

When Dr. Hartogs appeared before the Warren Commission and was shown a copy of the actual psychiatric report he signed at the time, he had to retract the above-quoted assessment, which he had also given in testimony. That 1953 report actually states: "... no indication of psychotic changes; superior mental endowment; no retardation despite truancy;..." And he went on to concede in his testimony that this report failed to mention any potential for violence, assaultive or homicidal potential, or incipient schizophrenia. (15)

The December 6th rendition of the "evidence" contains other things that turned out not to be true and one wonders what Time's source(s) was. For example, it refers to the autopsy of President Kennedy having produced one bullet that matched to the alleged assassination weapon. (16) However, the autopsy report had not been made public (and would not for many months); the FBI, by its choice, had not reviewed it; and the Warren Commission was three months away from taking testimony from the autopsy doctors. When that autopsy report and testimony were published by the Warren Commission, there was no mention of any bullet being recovered during the autopsy.

It is the next week's issue of Time, December 13, 1963, that actually contained the leaked conclusions of the FBI report, ironically printed beneath a picture of the Warren Commission members. (17) I say ironically because these very same commission members were distressed about such leaks, and those who had had a chance to look at this report were dubious about whether it sustained these conclusions. Those conclusions, as published by Time, were:

"... (1) Oswald, acting in his own lunatic loneliness, was indeed the President's assassin, (2) Ruby likewise was a loner in his role as Oswald's executioner, (3) Oswald and Ruby did not know each other, and (4) there is no proof of a conspiracy, either foreign or domestic, to do away with Kennedy." (18)

Of course, Time, just as other publications, could hardly have passed up such a scoop. Nonetheless, one would have liked to see some expression of concern and caution -- that it remained to be seen whether the facts actually sustained these conclusions.

Aside from an "unofficial" word (and grossly inaccurate, I might add) on the content of the autopsy report which Time described as "on its way" to the Warren Commission in its December 27th issue, it is not until early

February, 1964 that Time reports again on the progress of the investigation. Marina Oswald, Oswald's wife, is featured on the cover and the story revolves around her testimony before the commission. She was the first witness, and in many ways, the commission's star witness, even though she was miles from the actual scene of the crime. *and her testimony was kept secret.*

The story contains quotes from Mrs. Oswald which appear to be responses to a reporter's questions; but it is hard to imagine that the Secret Service, which had her under protective custody, would have allowed even the most innocent questions. And if her quoted statements were actually portions of her testimony, one wonders how Time obtained them since all the hearings throughout the Warren Commission's life were closed to the press. It has all the earmarks of another leak which, not surprisingly, lends credence to the Warren Commission's (and indeed, Time's) lone assassin scenario and psychological profile of Oswald. In response to the question of why her husband did it, Marina says, "... Sometimes he was a little bit sick. He was a normal man, but sometimes people don't understand him. And sometimes I didn't know... He want to be popular, as everyone know who is Lee Harvey Oswald." (19)

Whether a response to an interview question or a portion of testimony, we can hardly blame Time for reporting what Mrs. Oswald said. It was news. What is inexcusable, however, and even more clearly underscores Time's presumption, is what follows in that same article. Time could have had no basis for making the following claims since it was not privy to all of Mrs. Oswald's testimony nor to the "evidence" contained in that special FBI report. None of this information would be made public for nearly a year. Yet Time wrote:

"For the most part, she (Mrs. Oswald) merely substantiated the mass of evidence already compiled by the FBI (in five volumes of reports), the Secret Service, and a dozen investigative lawyers hired by the commission itself. That evidence, ranging from fingerprints to ballistics tests -- is as conclusive as any confession, and there is no lingering doubt about what the commission's main findings will be:

Lee Harvey Oswald killed Kennedy and wounded Texas' Governor John Connally, and he carried out the assassination without an accomplice.

There was no dark conspiracy. Oswald was neither a Soviet nor a Cuban agent. There was no plot instigated by right-wingers (as the radical left

has claimed) or by left-wingers (as the radical right insists). Similarly, Oswald's own assassination was the work of just one man -- Jack Ruby -- and it was not (as Moscow indicated at the time) staged with the connivance of the Dallas police." (20)

Incredible! Time magazine had wrapped up the case before the Warren Commission itself had even gotten its feet wet. Keep in mind that Marina Oswald was the commission's first witness, as the article itself acknowledges. (21) That means that testimony had yet to be taken from eyewitnesses to the shooting, Dallas police officers, autopsy doctors, FBI experts in various fields, not to mention one of the victims who the FBI had conveniently overlooked in its five-volume report, James Tague. (22) Unless Time claims some special psychic powers regarding the evidence in this case, the only reasonable conclusion one can draw is that it reported that there could be no doubt Oswald was the lone assassin on the basis of blind faith that what it had learned from official government sources was true. The presumption of guilt, not to mention its gullibility, could not be more obvious.

The fact that Time not only could not, but did not, have access to all this evidence is borne out by a couple obvious errors in the remainder of the article. For example, Time published a graphic of a map of Dallas which purported to trace Oswald's movements. But it has a time for the killing of Officer Tippit which is obviously wrong. (23) Time also revisits Oswald's childhood psychiatric evaluation by Dr. Renatus Hartogs. What he is quoted as saying in this article is, again, flatly contradicted by the actual report he signed at the time he examined the young Oswald. (24) If Time was somehow privy to this evidence, as it implies, how could it have made such blatant errors?

As if to vindicate this early reporting, Time's publisher boasted that the release of the Warren Report in late September, 1964 confirmed what Time had been saying all along:

"'There could be little doubt of Oswald's guilt,' wrote Time two weeks after President Kennedy's assassination, (25) and continued 'Lee Oswald was plainly a man of demonic frustrations and fanaticisms.'..."

By the time Mrs. Marina Oswald testified, it had become even clearer that, as Time said, there was no dark conspiracy....no plot.' This week the Warren report massively confirmed these views." (26)

Unfortunately, this boast itself was also premature because the evidence on which the Warren Report is based would not be released for another two months. Time, as indeed most of the media, was still taking the government's word on faith. (27)

#### Second Sin: A Mouthpiece for Government

In examining Time's presumption of Oswald's guilt we have already seen ample evidence of its uncritical acceptance of government pronouncements on the assassination. Nonetheless, in this section we want to explore this shortcoming in greater depth since it goes to the very heart of Time's failure to act as a responsible member of an independent press. This uncritical reporting has been evident throughout the whole history of Time's coverage of the assassination. Time, as most of the media in the country, has always bent over backwards to defend even the most indefensible aspects of the government's case against Oswald and to suppress what refuted it.

During the several months that the Warren Commission gathered evidence and took testimony behind closed doors, there were occasional leaks to the press. No doubt these leaks qualified as news, but that certainly did not justify presenting them as unquestioned fact, especially since some of them turned out to be false. One clear instance of this which we have exposed already was Time's references to Dr. Hartogs' psychiatric evaluation of the young Oswald. (28)

In early June, 1964, while the Warren Commission was still gathering evidence and taking testimony, Time did a piece on some of the conspiracy theories that were surfacing in Europe. It blatantly labeled these mainly left-wing scenarios as "myths" and stated that: "Last week word leaked from the Warren Commission that its report would spike each of these overseas theses and endorse with few changes the FBI's original version that Oswald killed alone." (29) Perhaps, but that hardly qualifies as a persuasive rebuttal. Admittedly, all of these theories were a bit far-fetched and

Time's position sounds more reasonable and sober. Just the same, one needs to recognize that Time's position is based on blind faith in a government case it knew little about except what the government itself had been willing to disclose. Actually, I believe Time would have done well to heed the comments of a left-wing Italian magazine which it quoted disparagingly: "The American press,... has forgotten its glorious tradition of truth and democracy, playing along with the FBI and Dallas police (and Warren Commission, I would add) to incriminate Oswald... who has no chance to defend himself." (30)

In the very next issue, Time reported uncritically on another Warren Commission leak which involved Marina Oswald's second appearance before the commission. Commenting that the full report may be published by month's end (i.e., June, 1964, which in fact was the original intent of the commission), (31) the article went on to relate Mrs. Oswald's preposterous tale about how she physically restrained her husband (by allegedly locking the bathroom door from the outside) from going out to shoot Richard Nixon in April, 1963. This tale, of course, was intended to bolster the claim that: "... Lee Harvey Oswald had an obsessive yen to kill --..." (32) The only problem with it, as even the Warren Report itself later acknowledged, is that Nixon was nowhere near Dallas at the time and there was no evidence of him being even scheduled or invited to appear in the area. (33) So even though the Warren Commission ultimately concluded this story was of "no probative value," Time accepted it and, to my knowledge, never retracted it. In fact, it reported, again uncritically, on Marina Oswald's repeating this fable in her appearance before the House Select Committee on Assassinations in September, 1978. (34)

By late September, 1964 it goes without saying that Time was ready, and had indeed contributed to the conditioning of the American people, to accept without reservation the conclusions of the Warren Report. Its October 2, 1964 issue, which we have already commented on, was basically an uncritical synopsis of the report, describing it in the most glowing terms: "amazing in its detail" and "utterly convincing." As noted earlier, however, such hyperbole was hardly warranted, especially given the fact that no one would see most of the evidence on which these conclusions allegedly were based for another two months. (35)

As the years passed and various critics and conspiracy theorists, not to mention some government exposés, began to chip away at the Warren Commission's "utterly convincing" case, Time steadfastly defended it (and, of course, its own reputation) by often just uncritically repeating government assertions. For example, in the wake of disclosures that FBI officials had covered up knowledge of threats Oswald had made against its Dallas office and shocking revelations of the Church Committee in 1975 concerning CIA assassination plots, Time revisited the assassination controversy on the occasion of its twelfth anniversary. (36)

The title of Time's feature article, "Who Killed JFK? Just One Assassin," represents another unambiguous endorsement of the government's lone assassin conclusion. To its credit, Time does acknowledge that some of these new revelations, such as the FBI cover-up of a threat Oswald made, do cast new light on the case, but such new light, in Time's view, hardly disturbs the Warren Commission's original account of the assassination. Indeed, Time also draws on some new analysis to try to bolster that original account.

In an astounding display of naiveté, Time cites some of the raw data indicating how much work was done in this investigation -- the number of witnesses the commission took testimony from; the 25,000 interviews conducted by the FBI, etc..(37) It is on the basis of these numbers that Time argues: "This is surely not a record of investigators refusing to listen to witnesses who might disturb their eventual conclusions." (38) For that matter, how could any stone have been left unturned in an 888-page report and 26 volume appendix of evidence? Surely all these numbers add up to truth.

Lets just take a minute to look at just a few of the witnesses who were somehow overlooked. For example, it was not until 1975, just two months prior to the publication of this article and nearly 12 years after the assassination itself, that the FBI finally got around to interviewing the other 17 (of a total of 18) Dallas motorcycle officers who had escorted the presidential motorcade. (39) Those flanking the President's limousine were within 15 feet of the President when he was shot. They were important eye and ear witnesses who should have been among the first people interviewed. In fact, one officer, James Chaney, in a radio interview just after the assassination, said that he saw the President struck by a bullet in the face,

which would suggest a shot from the front. It is possible Officer Chaney was mistaken, but for the FBI to ignore this was inexcusable.

While we are on the FBI, it should be noted that while they were busy conducting those 25,000 interviews, bureau agents showed a distinct distaste for photographic evidence. Dallas agents turned down offers of clear photographs of the President being shot. (40) Moreover, as DeLloyd Guth and David Wrone point out in their professional bibliography: "... the Special Agent in Charge of the Dallas Field Office sent an Airtel... to Director J. Edgar Hoover on 19 Dec. 1963 stating: 'No effort is being made to set forth the names of news media throughout the country who made photographs and films in Dallas on 11-22-63.'" (41)

As for the Warren Commission, its staff of lawyers also ignored many key witnesses. Two key witnesses the commission never heard from were Admiral George G. Burkley and Dr. Joseph Dolce. Admiral Burkley was the President's personal physician and had the distinction of being the only medical professional who was both in the emergency room at Parkland Hospital in Dallas where doctors desperately tried to revive the President and witnessed the autopsy performed at Bethesda Naval Medical Center later that same day. Dr. Burkley also wrote and signed the official death certificate, which the Warren Commission could not find room to publish or even make any reference to in those 27 big volumes. He was also the official who received and certified all the evidence produced at the autopsy, including a certification that Dr. Humes, the chief autopsist, had destroyed some of his notes. What better reasons could one have for not calling him as a witness.

On one key point Dr. Burkley could certainly have shed some light. On the death certificate he authored and signed, the wound to President Kennedy's back was located "at the level of the third thoracic vertebra," or roughly six inches down on the back. (42) This location is inconsistent with some of the drawings of that wound that the Warren Commission published (CE 385 & 386) and it contradicts the commission's single bullet theory which hinges on that wound being several inches higher, at the base of the neck.

What better reason for not asking Dr. Joseph Dolce to appear as a witness than the fact that he was the Army's chief of wounds ballistics and supervised the tests for the commission at Edgewood Arsenal to determine if



a bullet could do the damage attributed to CE399 (the single bullet alleged to have caused seven wounds to Kennedy and Connally) and emerge in near pristine condition. Of the 100 test bullets they fired simulating various wounds, especially those that Governor Connally suffered, not one of those bullets came out looking anything like the alleged assassination bullet. Dr. Dolce was emphatic in rejecting the notion that CE399 caused all seven of the wounds to President Kennedy and Governor Connally. (43) In fact, he was of the opinion that Connally was probably struck by two bullets himself.

But "this is surely not a record of investigators refusing to listen to witnesses who might disturb their eventual conclusions."

Instead of a genuine expert such as Dr. Dolce, later on in the same article Time chose to feature the experiments and analysis of urologist Dr. John K. Lattimer which, as you might guess, bolster the official conclusions. Dr. Lattimer is not a forensic pathologist or wounds ballistics expert but a urologist, albeit one who was given exclusive access to JFK's autopsy photographs and X-rays in the early 1970s. His only apparent qualification for this was his loud and persistent writing in defense of the official case. (44) Dr. Lattimer, as uninformed and unqualified as he is, has nonetheless been the darling of the mainstream press. His work was even cited in a 25th anniversary special on the Kennedy assassination which aired on the respected PBS science program, NOVA.

He has become famous for some of his backyard experiments which prove nothing and bear no relationship to the actual facts of the crime. For example, the diagram he provided for Time (45) of the path of the single bullet (CE399) is not only based on conjecture but is contrary to known evidence: the wound to President Kennedy's throat was above the knot of his tie (46); it ignores other evidence that JFK's back wound was much lower than he depicts it (47), and the wound to Governor Connally's thigh was made by a fragment, not a whole bullet. (48) Other statements are just patently false. Oswald never scored anything like 48 and 49 hits out of 50 in his Marine rifle tests. (49) And one only needs to check the Warren Commission's own evidence to know that it is not true that: "Some Army experts checking out Oswald's rifle were able to hit simulated human targets

at the assumed motorcade distance in the same amount of time available to Oswald." (50) And frankly, who cares if his 14 year old son could place three shots in a head target at 263 feet in twelve seconds? I guess Time does.

By no means would I suggest that Time completely ignores contrary views, however, these views are invariably trumped by the official story which is usually presented as unquestioned fact. And when fact does not seem good enough, one can always count on such government-certified defenders as Dr. Lattimer to come to the rescue with some sort of experiment or conjecture.

Before we leave the subject of being a mouthpiece for government, I want to examine one other article in which Time's bias is plain to see. It is a December, 1977 story featuring the release of FBI documents under the Freedom of Information Act. The article states: "In 14 years the bureau compiled more than 80,000 pages of documentation. Half of that massive archive was released to the public last week..." (51) Sounds impressive, overwhelming (although Time's correspondent was apparently able to sift through those 40,000 pages in less than a week!), but it is actually a gross underestimate. Assassination researcher, Harold Weisberg, who by this time had filed more than a dozen FOIA lawsuits, (52) mostly against the FBI (and who, incidentally, is not even mentioned in this article), obtained some 250,000 pages of documents on the Kennedy assassination. And when he had to suspend litigation he sought more! It seems Time was again taking the FBI at its not so reliable word.

Finally, to anyone who has read Commission Document #1 (CD1), the special five-volume FBI report on the assassination forwarded to the Warren Commission on December 9, 1963, Time's statement that: "The FBI investigation was thorough in the extreme." (53) is patently absurd. Rather than repeat some of the shortcomings we've already brought out, let me quote the words of two historians who wrote the only professional bibliography on this subject, describing this report that Time says was "thorough in the extreme:"

"An error laden, severely distorted, and deceptive report of the FBI investigation into the assassination that preceded the formation of the Warren Commission and became the controversial Procrustean base for its inquiry. Only 450 words appear on the murder, and these exclude the shot that wounded citizen James T. Tague and the wound to President Kennedy's throat. From this paltry base the FBI asserts Oswald was the lone, psychologically disturbed assassin, a conclusory statement. In advance of

delivery to the Warren Commission the FBI secretly released the findings to the press in a successful effort to mold public opinion." (54)

### Third Sin: Mishandling the Critics

Part and parcel of Time's effort to defend the official story and thereby reassure the American people that there was no dark conspiracy behind the death of President Kennedy was how it handled the critics of the Warren Commission. They have been numerous and represent a wide variety of views. The two dominant perspectives on who was really responsible reflected the cold war mentality of the time: the left-wing perspective that elements of our own government, such as the CIA, not only killed Kennedy but covered it up, and the right-wing perspective that Oswald was part of some Soviet or Cuban-inspired plot. A major alternative to both these cold war views emerged in the wake of the House Select Committee on Assassinations' re-investigation in the late 1970s: the Mafia did it. Mafia hit theories had the advantage of steering clear of ideology and focusing on a known sinister force in America which allegedly used Oswald to carry out the dastardly deed.

Time's coverage of the critics, which ignored those who did not theorize, touched on examples of all the views outlined above, plus a few others. In that respect one might argue that Time did its duty in reporting on and critically analyzing the twists and turns in the assassination debate. Granted, there was no way Time, or any other publication of its kind, could have tried to comment on all of the critical literature produced over the past three and a half decades. However, by failing to make a distinction between "responsible" as opposed to "irresponsible" criticism, Time ultimately did a disservice to its readership. In effect, because Time assumed the validity of the government's case from the start, in varying degrees it tended to treat all the critics as irresponsible conspiracy theorists preying on the American people's gullibility.

No doubt there have been plenty of irresponsible, if not irrational, conspiracy theorists who deserved the critical attention (and inattention) Time gave them, as we will see shortly. But to assume that all critics were more or less the same, overlooked a category of criticism which, even if it constituted a small portion of the total volume, has been evident from the very beginning of the controversy engendered by the release of the Warren Report. (55) These are the "responsible" critics who Guth and Wrone well-describe in their annotated bibliography: "The single most important characteristic making these critics responsible is their common goal to define, secure, and expose documentary evidence in the murder case, most of which governmental agencies chose to keep controlled and secret." (56) In turning a blind eye to the responsible critics Time was less than honest. It itself acted irresponsibly and in that has been as guilty of misinforming the American people as any of the irresponsible conspiracy theorists.

The very first conspiracy theory that warrants mention in the pages of Time clearly belongs in the irresponsible category. Although it is not extensively criticized, there is no question that Time treats Dr. Reville P. Oliver's theory in a dismissive way. The gist of the theory is described as follows:

"In recent issues of American Opinion, the (John) Birch (Society) magazine, he published under the title "Marxmanship in Dallas," the most elaborate version yet of the diehard 'plot' theory of the Kennedy assassination. The Communists executed the President, says Oliver, intending to blame ultrarightists and trigger 'a domestic takeover.'" (57)

The fact that Dr. Oliver himself was a national officer in the John Birch Society, one of the most right-wing organizations of that era, goes a long way toward explaining the paranoid mindset behind such a view. Nonetheless, I find it even more interesting that Time uses the word "diehard" to describe the plot theory of the Kennedy assassination. Diehard? When barely a few months had passed (not years or decades) and the Warren Commission itself was still in the midst of its work. This bit of editorializing seems to derive from Time's apparent belief that the American public, historically,

have been suckers for conspiracy theorizing.

This is followed by a review of mainly left-wing theories that had surfaced in Europe. Although the Warren Report will not be published for over three months, Time describes these theories as myths. "The most myth-filled aftermath of John F. Kennedy's assassination is the stubborn refusal of many Europeans to accept the belief that the U.S. President could have been killed by a lunatic loner. Headline after headline and book after book roll off the presses with a bewildering array of theories suggesting a deep, dark plot." (58) Again, not that one needs to endorse any of these conspiracy theories per se, but where does Time get off labelling these theories "myths" when all it had to go on were highly selective government leaks? This included a leak reported in this very article, that "... the Warren Commission...report would spike each of the overseas theses..." (59) No details, no facts or evidence, just the government's vague assertion that we need not worry that this was any conspiracy.

Nearly two years pass after its initial reporting on the Warren Report before Time begins to address some of the first challenges to the official story. Its first target is a book by Edward Jay Epstein entitled Inquest. Time begins its brief review with what will become a dominant theme in all of its coverage of the critical literature:

"Just as it is true that the mind can conceive unending webworks of intrigue, so it is that the Kennedy assassination will forever evoke suspicions, claims, counterclaims, and new theories...Despite the thoroughness of the 26 volume Warren Commission report (actually 27 volumes), many people in the world prefer to ignore rational explanations when the irrational can be made to seem so much more melodramatic." (60)

In other words, as I noted above, Time tends to view people in general as basically suckers for melodramatic conspiracy theorizing.

Ironically, Inquest presents no such elaborate or even unelaborate conspiracy theory. In fact, it bolsters the government's primary contention that Oswald was the lone assassin, while alluding to some errors and oversights. Time's review itself is noticeably devoid of any real factual criticism of the book, which is fairly standard practice for its treatment

of most of the critics.

Time's first full-length analysis of the early critical literature appears a couple months after its review of Epstein's book and is entitled, "Autopsy on the Warren Commission." (61) The author of this essay starts out reasonably enough, pointing out that these critics back up their charges with an enormous amount of "bit-by-bit documentation -- nearly all of it gleaned, ironically enough, from the commission's own evidence." (62) This statement is not uniformly true of all the books and authors mentioned. Mark Lane's Rush to Judgment, for example, takes liberties with that evidence to cast unfair suspicion on Chief Justice Earl Warren's role. As Guth and Wrone comment: "When initial public skepticism focused on Chief Justice Warren, Lane's Rush to Judgment crudely misquoted documents, gave inaccurate footnotes, and skillfully selected facts literally to frame Warren." (63)

In distinct contrast to Rush to Judgment is Harold Weisberg's Whitewash, which is not only the first critical book on the Warren Report, completed in early 1965, but is also a stellar instance of responsible criticism. It is true that Weisberg uses forthright language to describe the flaws in the commission's work -- words such as those quoted by Time: "prostitution of science," "misrepresentation," and "perjury." I am sure the reviewer's intention in using such language was to cast suspicion that Whitewash is the work of an extremist, but the fact is that all these harsh judgments are substantiated by detailed factual analysis of the government's own evidence.

When this essay does try to tackle some factual controversy such as that surrounding the single-bullet theory, the author gives the reader conjecture and a contradictory mish-mash of evidence. The conjecture involves the so-called "tumbling theory" of the single bullet's (CE399) path through Kennedy and Connally. This theory is primarily intended to offer an explanation as to how CE399, which is nearly pristine, could not only have passed through two bodies but smashed a rib and fractured a wrist in Gov. Connally. Since the tip of this bullet is undeformed, it was believed that it must have tumbled after passing through Kennedy and then entering Connally backwards since there is a slight deformity at the rear

end of the bullet. This is a theory, not fact or evidence, which is how it appears to be presented in this essay. It is also a theory which some facts (apparently not known by the author of this essay) contradict -- for example, that Governor Connally's thigh wound was made by a fragment, not a whole bullet travelling frontward or backward. (64)

The author also appears oblivious to the fact that some of the information he does cite invalidates the single bullet theory and thereby a crucial element of the Warren Commission's whole case that Oswald was the lone assassin. In the context of discussing JFK's autopsy, the author refers to the discovery of a wound 5½ inches down on the President's back. (65) There is also a brief mention of a report submitted by two FBI agents who witnessed the autopsy and noted that the doctors probed a back wound on JFK. (66) Both of these observations, not to mention the official death certificate (which that extremist, to Time, Harold Weisberg published after finding it misfiled among the massive volume of documents the Warren Commission deposited in the National Archives) which certifies that President Kennedy was shot in the back, invalidates the whole single bullet theory on the basis of trajectory alone, whether that bullet was tumbling or not, and thereby invalidates the Warren Report.

In the end, this essay blandly, and inaccurately, concludes by observing that although the Warren Commission's "conclusions are being assailed, they have not been successfully contradicted by anyone." (67) Incredible as it may seem, this very article belies that statement by citing facts which contradict one of the most crucial aspects of the case! And if the author of this essay had bothered to actually read Harold Weisberg's Whitewash he would have found numerous examples of conclusions drawn in the Warren Report that are unsupported, and in some cases outright contradicted, by the commission's own evidence. A clear instance of this can be found in examining all the testimony and exhibits relevant to the contention that Oswald brought his gun to work on the morning of the assassination. None of it supports that contention. All the official evidence refutes it. (68)

As the third anniversary of the assassination approached Time devoted even more attention to the critics. In reporting on the transfer of the autopsy photographs and X-rays to the National Archives, Time saw fit to

include a section entitled "The Mythmakers." In a few paragraphs it disposes of one of the craziest of all conspiracy theories, which was originally concocted by Texas journalist, Penn Jones, Jr.. Jones was the first to call attention to all the witnesses who supposedly were dying under mysterious circumstances or were allegedly murdered by those really behind the assassination. One of the big problems with this theory is that many of the people being knocked off were not crucial witnesses. In fact, taxi cab driver William Whaley, who is also mentioned in the article, gave testimony which supported the government's case, so why kill him? And the circumstances of his death were hardly suspicious, even if it was a rare occurrence for a Dallas taxi cab driver to die on duty.

Time's criticism of the conspiracy theorists reaches new rhetorical, yet uninformed, heights in its November 25, 1966 issue. All the serious critics, buffs, and conspiracy theorists are referred to collectively as "The Phantasmagoria." A principal target and one of the best-selling authors was Mark Lane, who Yale law professor Alexander Bickel appropriately characterized as having "an instinct for the capillaries," instead of the jugular, of course. That, I believe, is a very astute comment on Professor Bickel's part, but there is really nothing in the article which supports it. Then there is the gross mischaracterization of Harold Weisberg as an advocate of the "Oswald Impersonator" theory. He presents no such theory in Whitewash or any of his other books, although he does raise legitimate questions about the Warren Commission's lack of interest in credible evidence of a person who resembled Oswald and who did and said things that were incriminating. (69)

This third anniversary article also briefly mentions and dismisses several other theories and concludes by inadequately reviewing the controversy surrounding the single bullet theory. Time features Warren Commission assistant counsel Arlen Specter's self-serving rationale for the theory and ignores obvious contrary evidence, such as the near pristine condition of that single bullet (CE399). On one point Specter and Time are clearly misleading. It is a fact that this single bullet theory is necessary to the Warren Commission's lone assassin conclusion. Without it, the commission would have had to admit that more shots were fired than Oswald could have, especially given a time-frame of just about 5 seconds. In fact, I believe



we can go even farther and say that this wording in the Warren Report (i.e., "not necessary to any of the essential findings of the commission") is not just a semantic quibble but as blatant a lie as you will find in the whole report. (70)

The next big development in the burgeoning conspiracy community, which was more recently revived in Oliver Stone's 1991 film, "JFK," was the Jim Garrison prosecution of Clay Shaw as a conspirator in the assassination of President Kennedy. Although I do not believe one could characterize Time's coverage as extensive, the magazine did faithfully follow the twists and turns in this two-year long saga. For the most part, Time restricted itself to exposing flaws in Garrison's probe itself, which were certainly numerous as reflected in the fact that when the case finally did go to trial it was plain to the jury that he had no case against Clay Shaw.

Garrison's fiasco tarnished all the critics, and I am sure that Time was not alone in contending that his failure was tantamount to the "last gasp" for all criticism of the Warren Commission's findings. As Time reported:

To critics of the Warren Commission's finding that Lee Harvey Oswald was solely responsible for Kennedy's death, District Attorney Jim Garrison's performance was a crashing letdown." (71) The article goes on to describe his closing argument as "sheer demagoguery." (72) As much as Garrison deserved such criticism, one must remember it was Clay Shaw who was acquitted, not the Warren Commission.

As if to confirm its own analysis, it will be five years before Time publishes anything on the assassination. And when it does revisit the controversy, as Congress itself was gearing up to re-examine both the Kennedy and King assassinations, Time continues to defend the Warren Commission. Time's subsequent coverage of the House Select Committee on Assassinations' (HSCA) hearings focused on those aspects which either seemed to confirm Oswald's guilt or debunked various conspiracy theories. Indeed, this was the transparent purpose of this committee. (73) However, when the HSCA was forced to conclude that it was highly probable that a fourth shot was fired from the grassy knoll area in front of the President, and it also raised the possibility of Mafia involvement, Time took the committee to task for straying from the hard evidence of Oswald's sole guilt. (74)

Curiously, a couple years after Time had reasserted its faith in the Warren Commission findings, it gave a considerable amount of not entirely unfavorable attention to one of the craziest theories in the whole history of this controversy. I am referring to David Lifton's best-selling book, Best Evidence, which contends that JFK was shot from the front but in order to hide this fact and frame Oswald, the President's body was stolen in route to the autopsy; his wounds were then surgically altered to make it appear as if he was shot from behind. Not only did the conspirators have to work on the body, but also Lifton claims they had to alter a key piece of photographic evidence, the Zapruder film, to mask the true nature of JFK's wounds.

It is a truly preposterous, illogical, and factually unsupportable thesis, yet Time's reviewer, Ed Magnuson, describes the book as "meticulously researched" -- that "there is virtually no factual claim in Lifton's book that is not supported by the public record or his own interviews,..." (75) The reviewer, of course, does ultimately reject the theory as "bizarre," but on balance suggests it is a worthwhile read. Perhaps he had been a bit bowled over by the publisher's successful promotional campaign, or by its very length at 747 pages, almost as long as the Warren Report itself. As irresponsible as I have argued Time's blind support of the official story has been over the years, it certainly does not distinguish itself, nor inform its readers, by this qualified favorable review of one of the quintessential examples of irresponsible conspiracy theorizing. One can only wonder what would have led Time to let down its guard in this review, when it had previously dismissed or ignored some vastly more rational, well-documented criticisms of the official story.

On the occasion of the 25th anniversary of the assassination, Time compromised its position a bit more by featuring an excerpt from a forthcoming biography of John Connally in which the author, James Reston, Jr., floats the theory that Oswald's real target was Connally and not Kennedy. Of course, this was not that much of a compromise on Time's part because Oswald still emerges as the lone-nut assassin, albeit a somewhat poorer shot. In the article the author misquotes Warren Commission testimony to make it appear that there was evidence that Oswald had expressed animosity toward Governor

Connally. (76) In a letter to the editor, I called this discrepancy and at least two other instances of misrepresentation to Time's attention. I did not regard these as innocent errors but evidence of calculated deceit on the author's part, most likely designed to rouse interest in the book, just as one could argue that Time featured this theory primarily to sell magazines.

There was no backsliding evident in Time's criticism of Oliver Stone's provocative 1991 film, "JFK." Based mainly on Jim Garrison's On the Trail of the Assassins, we not only revisit the Clay Shaw trial, but also woven into the Garrison investigation are tantalizing tidbits of other possible conspiracies. Indeed, some of the most uninformed and irresponsible conspiracy theorists, in addition to Garrison himself, were advisers to the film. Time's review is right on target in observing that: "As a storyteller, Stone is catering a buffet banquet of conspiracy theories; you can gorge on them or just graze." (77)

The film clearly distorts many aspects of the real Garrison probe, and pointing out such distortions is valuable. Where the movie review gets questionable is when it seeks to counter some of the movie's criticisms of the Warren Commission with what it labels, The Evidence. This so-called "evidence" is often no such thing. Rather, at best, it is facts presented out of context or theories offered up by various defenders of the official story to address problems in its case; at worst, statements presented as evidence are just plain false. To take just one example of the latter, both the movie and Time's responses to the question of whether JFK's autopsy was rigged (78) are grossly inadequate and clearly false on at least one main point -- it was not just notes that were burned by Dr. Humes but the first holographic draft of the autopsy according to his sworn testimony before the Warren Commission. (79)

In the wake of "JFK," Time published an essay on the history of conspiracy theorizing entitled, "Taking a Darker View," by Ron Rosenbaum. (80) As grist for Mr. Rosenbaum's argument that conspiracy theorists have generally contributed to the creation of a "much darker, more complex, less innocent vision of America,..." (81), he draws on the work of some of the most irresponsible critics such as Jim Marrs, Mark Lane, and even Jim Garrison. No effort is made to draw any real distinction among the various

critics. In contrast to Mr. Rosenbaum, I contend that it is not just because of these largely unfounded theories that the American people have become more cynical about this country but also because there is a substantial basis in fact to suggest that our government has lied to us all these years about this tragic event.

Although Mr. Rosenbaum's purpose in this essay is not to criticize the claims of these theorists, there is no doubt that he does not have a high regard for their work, consistent of course with Time's view. In most cases, I have no quarrel with his judgment. Some of these theories, such as Ricky White's claim that his dad was a grassy knoll assassin, are laughable frauds. But a parenthetical comment he makes toward the end of the essay, which I assume is aimed at all the critics, misses the mark with regard to those few responsible critics. Mr. Rosenbaum comments:

"The credibility problem of assassination buffs has not been enhanced by the double standard with which they seem to accept indiscriminately every self-proclaimed assassin or grassy-knoll eyewitness who comes forward, but tear to shreds any evidence or testimony that might support the lone-gunman theory." (82)

Little does Mr. Rosenbaum or Time seem to be aware that the above comment could be applied just as well to the credibility problem of those, like Time, who have defended the lone-gunman theory -- their credibility has not been enhanced over the years by the double standard with which they seem to accept indiscriminately any defense of the lone-gunman thesis (eg., urologist Dr. Lattimer's unscientific tests in defense of the single bullet theory), but reject out of hand or ignore any evidence (even their own, in the case of the Warren Commission) which is consistent with Oswald's innocence.

Finally, whoever was responsible for putting together "A Selected Bibliography" of books on JFK and the assassination for its article on Seymour Hersh's abysmal, Dark Side of Camelot, (83) obviously has no clue as to the distinction between responsible and irresponsible criticism. All the titles listed on the assassination, whether in defense or criticism of the Warren Report, are among the most misleading and factually inaccurate books in the whole history of this controversy. Conspicuously absent are at least two of the most responsible critics, Harold Weisberg and Sylvia Meagher. Mr. Weisberg published the first critical book on the Warren Report,

Whitewash, which is based entirely on the commission's own evidence. Some years later, in the context of one of his many Freedom of Information lawsuits, he was certified in federal court by the Department of Justice and the FBI as knowing more about the assassination than anyone in the FBI. (84) Sylvia Meagher published Accessories After the Fact in 1967 and it also is based entirely on the Warren Commission's own evidence. Ms. Meagher also performed a unique public service by producing something the Warren Commission neglected to publish, a subject index to its massive 26 volumes of hearings and exhibits.

#### Fourth Sin: Nonfactual Analysis

For a newsmagazine supposedly dedicated to reporting the facts, very little of Time's coverage of the assassination is actually devoted to the facts of the case. True, Time faithfully reported leaks from both the FBI and Warren Commission during the course of their investigations; however, it essentially failed to follow up on any of this reporting to see if the actual evidence substantiated these leaks and conclusions. Rather, Time has been content to merely report the government's interpretations of the facts, as if these should be accepted as the unquestioned truth. And in later years, rather than cite facts to counter criticism of the official story, Time usually relied on the statements of some Warren Commission member or FBI expert, or it employed its own noxious mixture of specious reasoning and conjecture to bolster its position.

During the Warren Commission's investigation, which was closed, without protest from it, to the press, Time devoted a significant amount of coverage to leaks of Marina Oswald's testimony. She even made the cover of Time during her first appearance before the commission in early February, 1964. (85) Time also reported on her second appearance in June in which she embellished her earlier incriminatory testimony about her husband. But Time never bothered to check the full record of statements she made to the authorities, especially her initial series of statements to the FBI and Secret Service which directly contradict her later testimony regarding

Oswald's alleged rifle practice. (86) As to whether she was an impartial witness, one must consider that, according to her own words, she felt pressure to cooperate with the authorities if she wanted to stay in this country. (87) And it is not as if this information was tucked away in some FBI vault. It was all published in the 26 volumes of hearings and exhibits of the Warren Commission which Time claimed to have reviewed.

Time did report on the release of those 26 volumes some two months after the Warren Report was published, but rather than acknowledge any evidence contrary to the official conclusions, it gave a highly selective account of a handful of celebrity witnesses, including Marina Oswald. (88) The few excerpts from her 25 hours of testimony before the Warren Commission, the longest of any witness, were all incriminating of her husband. One would not get the slightest inkling from this account that Mrs. Oswald's initial reaction and sworn statements were quite the opposite. Not only that, but on at least one occasion she swore to things that could not have been true -- for example, that Oswald practiced with his rifle two months before he even ordered it! (89) It appears obvious that Time, like the Warren Commission itself, was only interested in reporting what seemed to confirm Oswald's guilt.

Noticeably missing from Time's grossly inadequate report of this massive release of evidence was any analysis of some of the most crucial testimony directly relevant to the question of Oswald's guilt or innocence. It cited no testimony or evidence concerning the commission's claim that Oswald took his rifle to the Texas Schoolbook Depository that morning. There was nothing about the Marine Corps official evaluation of Oswald's skill with a rifle -- that he was a "rather poor shot." (90) It did not report on the Army simulations in which the very best marksmen could not duplicate Oswald's feat. (91) Finally, among many other important areas that were glossed over, it did not cite the testimony of any of the medical experts, all of whom expressed the strongest doubts about assistant counsel Arlen Specter's "single bullet theory." (92)

In Time's first full-length analysis of the early critics, "Autopsy on the Warren Commission," (93) it confronts much of the criticism by simply

re-asserting the official conclusions. Time does acknowledge that much of this criticism is derived from the commission's own evidence, but then in discussing some points of contention no effort is made to really examine that evidence. One might argue that considerations of space did not permit such detail, but that does not excuse the apparent obliviousness to serious inconsistencies and contradictions. For example, in this essay and later ones, Time bluntly states that there is absolutely no question that Lee Harvey Oswald shot Dallas police officer, J. D. Tippit, and why would he do such a thing if he was just a patsy as many of the critics have claimed? (94) Time completely ignores the fact that on the basis of the Warren Commission's own time reconstruction, they could not get Oswald to the scene of the crime in time to have killed officer Tippit. In fact, the Warren Report itself completely ignores the only eyewitness who looked at his watch after the shooting and before he used Tippit's car radio to report that shooting. This person, as well as another eyewitness who was only 15 feet away, did not positively identify Oswald. (95) And all the other so-called positive identifications Time brags about are nothing of the sort when you examine their actual testimonies, especially regarding the completely bogus police line-ups in the context of which they made these supposed positive identifications. In her testimony, Mrs. Helen Markham, one of the key eyewitnesses according to the commission, denied identifying Oswald in the police line-up no less than five times before the assistant counsel taking her testimony refreshed her memory a bit (it's known as leading the witness) about the number two man in the line-up. (96)

Aside from its failure to analyze the evidence rather than just repeat Warren Commission assertions, this essay also contains a choice illustration of what I referred to earlier as specious reasoning. Acknowledging that the critics have raised doubts through their "bit-by-bit documentation," according to Time, does not take into account that:

"... the commission was not trying Oswald in a court of law. It was neither bound by rigid rules of evidence, nor, since Oswald was dead, restricted to the judicial pursuit of getting a final verdict. The commission sought only to get the truth, and in doing borrowed from both the techniques of the trial lawyer's adversary system (cross-examination and

critical interrogation) and the historian's approach (applying logic, intuition and intellect to reach deductions from a mass of uncorrelated facts.) In this milieu, the critics' claims of Oswald's innocence are impressive only when they stand apart from the massive structure of other evidence unearthed by the commission." (97)

Actually, the commission failed on both counts. At no time did it utilize the adversary system of cross-examination and critical interrogation. I doubt, for example, that Dr. Humes, the chief autopsy doctor, would have gotten off so lightly after having admitted he burned the first draft of the autopsy if there was cross-examination by a competent defense attorney. The fact that testimony was taken in secret, often with just one of the commission lawyers, a stenographer, and the witness present, in itself, nullifies the whole idea that this was anything like "the trial lawyer's adversary system." And, regarding the so-called "historian's approach," the commission more often than not conveniently ignored or misrepresented the massive structure of other evidence it unearthed. How else could one explain its failure to publish and then misfile the official death certificate of the President. (98)

Time, likewise, has proven itself to be ignorant of this massive structure of other evidence. Rather than citing evidence, Time has, for the most part, been content to rely on the highly selective and biased memory of the Warren Commission and its defenders. Indeed, we just finished examining a classic illustration of part of this massive structure of other evidence it failed to acknowledge (or perhaps wasn't even aware of) by simply parroting the official line on Tippit's murder.

Not bound by rules of evidence? Does this mean the commission did not have to be concerned with such legalistic details as establishing chain of possession of items of evidence, weighing hear-say, inconsistent or contradictory testimony, or consider how the evidence in general was handled? So, I guess it was not important that Lt. Day of the Dallas police admitted in sworn testimony that the crime scene on the sixth floor of the Texas Schoolbook Depository had been disturbed and boxes moved before police took pictures of it. (99) And did it really matter that, despite



assistant counsel Arlen Specter's badgering hospital attendant Darrell Tomlinson, he refused to say that CE399 (the near pristine bullet of the single bullet theory) came from Governor Connally's stretcher. (100) Since the commission need not be bound by rules of evidence, I guess it really didn't matter if that bullet came from another stretcher.

Of the items characterizing the historian's approach, there can be no question as to which one played a dominant role in the deliberations of Time, as well of those of J. Edgar Hoover and the Warren Commission itself -- intuition. Recall that Mr. Hoover's intuition convinced him of Oswald's guilt almost from the moment of his arrest. Time was not far behind in using its own intuition, bolstered by those FBI leaks, in declaring Oswald the sole assassin. And the Warren Commission, before it had taken one iota of testimony, discussed in executive session that it should follow the FBI's lead and find Oswald guilty. On January 22, 1964, the following exchange took place:

Dulles: Why would it be in their (FBI) interest to say he (Oswald) is clearly the guilty one?

Rankin: They would like to have us fold up and quit.

Boggs: This closes the case, you see. Don't you see?

Rankin: They found the man. There is nothing more to do. The commission supports their conclusions. and we can go home and that is the end of it. (101)

One could go on ridiculing this distinction that Time makes between the legal and historical approach in its effort to counter the "bit-by-bit documentation" approach of the critics, but I believe enough has been said to expose it for the specious, really silly argument it is.

Another argument Time has used to confront the critics has been to turn the tables on them and essentially argue that their criticism is really worthless unless they can prove who really did it or conspired with Oswald to assassinate President Kennedy. This classic non sequitur ignores the fact that no critic could even come close to having the investigatory resources available to the Warren Commission, not to mention the benefit of a crime lab, ballistics experts, access to witnesses with relatively fresh memories, and so on. Logically, it simply does not follow that one cannot raise valid criticisms of the government's case, which are well-documented,

without having to provide an alternative scenario.

A closely related but equally weak line of attack was to focus on the individuals involved in the probe -- that they were obviously of such high moral character that it was inconceivable they would not have pursued the truth wherever it led. Chief Justice Earl Warren and Attorney General Robert Kennedy were believed to be two such individuals. For example, in a 1968 Time article, John P. Roche was quoted as saying that: "Any fair analysis of Senator Robert F. Kennedy's abilities, his character, and of the resources at his disposal, would indicate that if there were a conspiracy, he would have pursued its protagonists to the ends of the earth." (102) Holding aside the fact that Robert Kennedy played no active part in any aspect of the government's investigation, including that of the FBI, (103) I would still point out that regardless of the character of any individual associated with the government's investigation, it is mere conjecture to argue that they would have done everything in their power to get at the truth.

Sylvia Meagher, one of the most responsible and respected of all the critics (who was never mentioned once in any of Time's reporting on the assassination), makes a valuable and highly relevant point with regard to the two lines of argument discussed above:

"It is not the critic's responsibility to explain why the Chief Justice signed such a report or why Robert Kennedy accepts it or to answer other similar questions posed by the orthodox defenders. As critic Tom Katen has pointed out, instead of evaluating the evidence in terms of Robert Kennedy's acquiescence, his acquiescence should be evaluated in light of the evidence. Nor is it the critic's responsibility to name the person or persons who committed the assassination if Oswald did not -- another characteristic non sequitur. It is, on the other hand, clearly the responsibility of the authors and advocates of the Report to explain and justify its documented defects." (104)

Time's penchant for conjecture and specious reasoning, in lieu of examining the facts in the case, reaches the height of absurdity, even hypocrisy, in its glowing report of Oxford Don, John Hanbury Angus Sparrow's, "empirical" defense of the Warren Report and evaluation of the critics. As Time states: "... Sparrow, 61, concluded empirically that the Warren Report on the assassination must stand and that the 'demonologists' who so often

attack it have, without exception, forfeited serious intellectual consideration." (105) But Time's report on this highly regarded defender of the official story does not cite one empirical fact either in defense of the Warren Report or in evaluation of the critics! Not one! Just some conjecture and specious reasoning again. For example, regarding Oswald's alleged shooting feat: "While it may seem an extraordinary feat for Oswald to have hit his target in two out of three rapid-fire shots," argues Sparrow, it is more difficult yet "to believe that two men more than 100 yards apart and unable to communicate with each other, could have synchronized their fire so perfectly." (106) Why conjecture? Why not openly discuss the actual results of the Army rifle tests in which not even the best marksmen could duplicate Oswald's feat?

Admittedly, Time hardly had the space to go into great detail about Sparrow's alleged "empirical" defense, but you would think the editors could have at least squeezed in a couple of facts in support of the official story. Frankly, I find it absolutely astounding that, if reported accurately, this Oxford don would make the following ludicrous statement about the critics and Harold Weisberg in particular in this context: "These advocates have adopted 'a method of controversy that does not expose them to direct refutation: they offer no connected account of what they think occurred.'" (107) Recall Ms. Meagher's rejoinder to such specious reasoning. But beyond that, I hasten to point out that these critics are most certainly open to being directly refuted. Mr. Sparrow could try to show that the critical points people such as Mr. Weisberg make misrepresent a particular piece of testimony or evidence, are irrelevant, are inconsistent or even contradictory and therefore do not support the critics' contention that the Warren Commission lied and/or covered up. The fact is, Time has never even attempted to do this with responsible critics such as Mr. Weisberg or Ms. Meagher. The few cases where critics' facts have been challenged have been in the context of analyzing some of the most irresponsible critics such as Mark Lane, or even Oliver Stone. And, even then, Time has shown a preference for conjecture over factual analysis.

Conclusion

Time has certainly not been alone in its steadfast defense of the indefensible official story of the assassination of President John F. Kennedy. Nor has Time's coverage necessarily been the worst. But it has at one point or another committed most of what I called the "sins of the press" in covering this story. Among those sins was the press's fundamental failure to act as a truly independent and critical observer of how various elements of our government functioned in the face of this crisis. In essence, one can argue that just as the Warren Commission was an "accessory after the fact," to borrow Sylvia Meagher's phrase, so too did the press's failure indirectly allow the real assassin(s) and those who may have been behind it all to get away with this horrendous crime. Moreover, the press allowed notable public figures such as surviving Warren Commission figures, Gerald Ford and Arlen Specter, not only to get away with lying and covering up, but also profiting politically from their unique "public service." Finally, despite numerous damaging disclosures over the years, most of which went unreported in the press, the FBI has hardly been forced to admit its mistakes, much less try to make amends for them.

By making such accusations against the press, and Time in particular, I am not charging that they were knowing participants in some grand conspiracy to hide the truth. In fact, to argue that there was a conspiracy to kill President Kennedy does not mean that everyone from LBJ to Chief Justice Warren to the lowliest FBI agent was in on the plot since they all tried to cover up the truth in various ways. Likewise, insofar as the press went along with this does not mean that they know, and are hiding, the real truth. I believe a more realistic appraisal of the facts would suggest that the press's need to get out a story, to tell that story succinctly, and to draw certain conclusions and try to defend them, led the press to rely heavily and uncritically on government sources, especially in the early going. Although not excusable, these actions are understandable and not necessarily conspiratorial.

Harold Weisberg makes an insightful comment about the early press coverage which goes a long way toward elucidating how the press has continued

to fail us. Speaking specifically of the Warren Commission hearings, Mr. Weisberg comments:

"There were no public hearings, no hearings at which the press and public could be present, no opportunity for what leaps from the printed page to be known and objected to. As a result, testimony that would inevitably lead to expressions of outrage was lost in the vast volume of those ten million words (the estimated length of the 26 volumes of hearings and exhibits) disclosed at a single moment. Nobody in the media was going to read that many words in time to inform the people about their meaning, and no media organization was about to make the enormous investment that would have meant. The way it worked out, the Report having been issued two months earlier than the testimony and greeted by the media as the unquestioned truth, what media perusal there was of testimony and exhibits was in seeking confirmation of what the media already had printed and said in support of the Report." (108)

As a weekly newsmagazine, Time obviously did not have the space to devote to this story that other segments of the print media could, especially daily newspapers. Nonetheless, I do not believe lack of space is an excuse for Time's largely superficial and surprisingly unfactual reporting on the Kennedy assassination. To cover this story, and the controversy surrounding it, superficially is to cover it inadequately and misleadingly.

For all its sanctimony in portraying itself as the ever-vigilant defender of the rational, reasonable approach to this tragedy, Time's uninformed and biased coverage has actually helped feed the cynicism and distrust that many Americans feel toward their government and other institutions. Until and unless Time, as well as the media in general, can recognize and try to correct its disgraceful record of reporting on the Kennedy assassination, cynicism and distrust will continue to erode the integrity of a major institution in our society -- our much-cherished, independent press.

ENDNOTES

- (1) See: Amusing Ourselves to Death: Public Discourse in the Age of Show Business by Neil Postman. Viking Penguin, Inc. 1985.
- (2) On Bended Knee: The Press and the Reagan Presidency by Mark Hertsgaard. Schocken Books. 1989. pp.8-9.
- (3) Whitewash IV: JFK Top Secret Assassination Transcript by Harold Weisberg. Harold Weisberg, Publisher, Frederick, Md. 1974. pp.24-25. (Hereafter: Whitewash IV).
- (4) People often recoil at the use of the term, "coup d'etat," thinking that this is something that happens in other countries but not America. But, regardless of who killed the President, this act effectively nullified our political process and led to a new administration coming to power on the basis of this act of violence.
- (5) Despite the manifest efforts of Time, CBS News, and the mainstream press in general, the American people have registered their continuing and growing distrust in the official story. Time itself reported on the growing percentage of Americans who do not believe the official story of how their President was killed (72% as of 1992). And, despite Time's effort to dismiss such skepticism as a testament to how gullible the American people are, we will see that there is a substantial factual basis to distrusting the official story.
- (6) Time, Oct. 2, 1964. vol. 84, no. 4. This is the issue which announced the release of the Warren Report.
- (7) Never Again! The Government Conspiracy in the JFK Assassination by Harold Weisberg. Carroll & Graf. 1995. p.viii & p. 17. (Hereafter: Never Again!)
- (8) Hearings Before the President's Commission on the Assassination of President Kennedy. Government Printing Office. 1964. vol. 12, p. 185. (Hereafter: Hearings). See also: Accessories After the Fact: The Warren Commission, the Authorities and the Report by Sylvia Meagher. The Bobbs-Merrill Co., Inc. 1967. pp. 246-248. (Hereafter: Accessories).
- (9) Department of Justice file # 129-11. FBI HQ file # 62-109060-1399. See also: Never Again!, pp. ix-x.
- (10) See: Whitewash: The Report on the Warren Report by Harold Weisberg. Harold Weisberg, Publisher, Hyattstown, Md. 1965. pp. 192-195. (Hereafter: Whitewash). Also: The Assassination of John F. Kennedy: A Comprehensive Historical and Legal Bibliography, 1963-1979. by DeLoyd Guth and David R. Wrone. Greenwood Press. 1980. p.29. (Hereafter: Guth & Wrone).
- (11) Never Again!, p.32.
- (12) Time, Nov. 29, 1963. vol. 82, no. 22, p.27.

- (13) Ibid., p.28.
- (14) Time, Dec. 6, 1963. vol. 82, no. 22, p. 33a.
- (15) Hearings, Hartogs Exhibit 1; also: Vol. 8, pp. 217-221. See also: Accessories, p. 244. Time's acceptance of this false psychological profile may be understandable at this early date because it had no other information with which to question such claims. However, this is inexcusable years later when there was abundant information, including Dr. Hartogs' testimony before the Warren Commission, to reject this psychological profile. This reaches the height of absurdity and deception in Gerald Posner's Case Closed (1992), which is largely built around the false psychological profile that Time disseminated.
- (16) Time, Dec. 6, 1963. vol. 82, no. 23, p. 34.
- (17) Time, Dec. 13, 1963. vol.82, no.24, p.26.
- (18) Ibid., p.26.
- (19) Time, Feb. 19, 1964. vol.83, no.7, p.16.
- (20) Ibid., p.16.
- (21) Ibid., p.17.
- (22) In fact, the Warren Commission did not get around to questioning Tague until July, well after they had initially planned to wrap up their investigation. See: Post Mortem: The JFK Assassination Cover-up Smashed by Harold Weisberg. Harold Weisberg, Publisher, Frederick, Md. 1975. pp.453-462. Also: Never Again!, pp.365-382.
- (23) Time, Feb. 14, 1964. vol.83, no.7, p.17. Time says 1:18PM. The Warren Report (p.165) says 1:15PM. But an affidavit by the person who first arrived on the scene of the Tippit shooting, and called it in using Tippit's radio, T.F. Bowley, says it was 1:10PM (Commission Exhibit 2003, p.11). As it turns out, none of these times fits the Warren Commission's own reconstruction of how long it took Oswald to get from his rooming house to the scene of the crime. See: Hearings, vol.6, p.434. See also: Accessories, pp.253-255.
- (24) See endnote #15.
- (25) I beg to differ. I do not believe there is any question, even if it was not said directly, that Time had no doubt of Oswald's guilt within less than a week after the assassination. See: Time, Nov. 29, 1963. vol.82, no.22
- (26) Time, Oct. 2, 1964. vol.84, no.14. "A letter from the Publisher."
- (27) Presumed Guilty: Lee Harvey Oswald in the Assassination of President Kennedy by Howard Roffman. Associated University Presses. 1975. (Hereafter: Presumed Guilty). As Roffman observes:

"Immediately upon its release, the Warren Report was met by an overwhelmingly favorable response from the nation's "establishment" press. This response, analyzed objectively, was in fact a blatant instance of irresponsible journalism, for newsmen lavished praise on the Report before they could have read and analyzed it -- two months before the evidence upon which it rested was released to the public. " p.22.

- (28) See endnote #15.
- (29) Time, June 12, 1964. vol.83, no.24, p.47.
- (30) Ibid., p.44.
- (31) Time, June 19, 1964. vol.83, no.25, p.21. Keep in mind that, if true, the Warren Commission was planning to wrap up its work without hearing from Abraham Zapruder, who took the famous motion picture of the assassination; James Tague, who was slightly wounded; or even Jacqueline Kennedy, the President's wife who was sitting right next to him in the limousine; not to mention others.
- (32) Ibid., p.21.
- (33) Report of the President's Commission on the Assassination of President Kennedy. Government Printing Office. 1964. pp.188-189. (Hereafter: Warren Report). See also: Accessories, pp.240-241.
- (34) Time, Sept. 25, 1978. vol.112, no.13, p.24.
- (35) See endnote #27.
- (36) Time, Nov. 24, 1975. vol.106, no.21.
- (37) In my personal experience with at least two former FBI agents, that 25,000 figure has been thrown in my face as some sort of ultimate rebuttal of my criticism of their work in the JFK investigation.
- (38) Time, Nov. 24, 1975. vol.106, no.21, p.32.
- (39) FBI HQ 62-109060-7344-7346. See also: Never Again!, pp.399-403. In fact, James Chaney was interviewed, but about another matter unrelated to what he saw during the assassination. See: File #DL 44-1639.
- (40) Never Again!, pp.29-32.
- (41) Guth & Wrone, p.68.
- (42) Post Mortem, pp.302-312.
- (43) Never Again!, pp.293-301.
- (44) Post Mortem, pp.386-402.
- (45) Time, Nov. 24, 1975. vol.106, no.21, p.34.



- (46) Post Mortem, pp.375-376.
- (47) See endnote #44.
- (48) Never Again!, p.204. See also Dr. Shaw's testimony: Hearings, vol.6, p.91.
- (49) Whitewash, p.30. Weisberg reproduces the official Marine Corps evaluation of Oswald as a "rather poor shot."
- (50) Hearings, vol.3, pp.443-451. Never Again!, pp.301-304.
- (51) Time, Dec. 19, 1977. vol.110, no.25, p.18.
- (52) See: Never Again!, pp.461-463, for a listing of all the lawsuits Mr. Weisberg filed.
- (53) Time, Dec. 19, 1977. vol.110, no.25, p.18.
- (54) Guth & Wrone, p.29.
- (55) Harold Weisberg's Whitewash being the first.
- (56) Guth & Wrone, p.xxvi. Indeed, the authors that are mentioned in this category have been the principal sources on the basis of which I have criticized Time in this paper; namely, Harold Weisberg, Sylvia Meagher, and Howard Roffman.
- (57) Time, Mar. 27, 1964. vol.83, no.13, p.56.
- (58) Time, June 12, 1964. vol.83, no.24, p.44.
- (59) Ibid., p.47.
- (60) Time, July 8, 1966. vol.88, no.2, p.86.
- (61) Time, Sept. 16, 1966. vol.88, no.12, pp.54-55.
- (62) Ibid., p.54.
- (63) Guth & Wrone, p.xxiii.
- (64) See endnote #48.
- (65) Time, Sept. 16, 1966. vol.88, no.12, p.55.
- (66) Ibid., p.55.
- (67) Ibid., p.55.
- (68) See: Whitewash, pp.15-23; Accessories, pp.45-64; Presumed Guilty, pp.151-174
- (69) See: Whitewash, pp.137-154.

- (70) "Reasonable Doubt: The Single-Bullet Theory in the Assassination of JFK." Gerard Selby (videotape), 1988.
- (71) Time, Mar. 7, 1969. vol.93, no.10, p.23.
- (72) Ibid., p.23.
- (73) Guth & Wrone, pp.xxvi-xxxiv.
- (74) Time, July 30, 1979. vol.114, no.5, p.30.
- (75) Time, Jan. 19, 1981. vol.117, no.3, p.22.
- (76) Mr. Reston edited, without indication, the testimony of Mr. George Bouhe to make it appear there was such evidence. Compare: Hearings, vol.8, p.374 with Time, Nov. 28, 1988. vol.132, no.22, p.32.
- (77) Time, Dec. 23, 1991. vol.138, no.25, p.69.
- (78) Ibid., p.69.
- (79) Hearings, vol.2, p.371.
- (80) Time, Jan. 13, 1992. vol.139, no.2, pp.54-56.
- (81) Ibid., p.55.
- (82) Ibid., p.56.
- (83) Time, Nov. 17, 1997. vol.150, no.21, p.44.
- (84) CA 75-0226. Harold Weisberg v. United States Department of Justice, United States Energy Research and Development Administration. (John H. Pratt, J.)
- (85) Time, Feb. 14, 1964. vol.83, no.7.
- (86) Presumed Guilty, pp.236-247.
- (87) Hearings, vol.1, pp.79-80. See also: Whitewash, pp.132-136.
- (88) Time, Dec. 4, 1964. vol.84, no.23.
- (89) Accessories, p.132; Presumed Guilty, pp.237-238.
- (90) Hearings, vol.19, pp.17-18. See also: Whitewash, p.30.
- (91) Accessories, p.108.
- (92) Whitewash, pp.170-176.
- (93) Time, Sept. 16, 1966. vol.88, no.12, pp.54-55.

- (94) Warren Commission counsel, David Belin, often referred to the Tippit killing as the "Rosetta Stone" of the whole case.
  - (95) On the holes in the Warren Commission's case against Oswald in the Tippit murder, see especially: Accessories, pp.253-259 and Whitewash, pp.52-63.
  - (96) Hearings, vol.3, pp.310-311.
  - (97) Time, Sept. 16, 1966. vol.88, no.12, p.54.
  - (98) See endnote #42.
  - (99) Hearings, vol.7, p.149. See also: Whitewash, pp.31-35.
  - (100) Hearings, vol.6, pp.130-134.
  - (101) See: Whitewash IV.
  - (102) Time, Jan.12, 1968. vol.91, no.2, p.14.
  - (103) A point which Time itself indirectly acknowledges in reporting on the release of some 40,000 pages of FBI documents which, among other things, indicated that the FBI was "out of control of the Justice Department." Time, Dec. 19, 1977. vol.110, no.25, p.18.
  - (104) Accessories, p.xxiv.
  - (105) Time, Dec. 22, 1967. vol.90, no.25, p.21.
  - (106) Ibid., p.21.
  - (107) Ibid., p.21.
  - (108) Never Again!, p.187.
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Dear Gerry,

6/25/00

Your essay is fine. While it is true that you could have done much more, this is more than enough to make the record history requires.

I'd go into more of this but I'm expecting my younger ~~family~~ sister and her family and with my greatly increased washed-out feeling from the dialysis and the accumulation of matters I'm not really equipped to cope with I have little time.

I did find one factual error and I enclose that page with suggestions that may not be legible so I tell you the fact at greater length so you can correct it to fit the space in your own words.

That Katzenbach memo was written by him in Longhard ~~early~~ Sunday afternoon when he had no secretarial help. He had it retyped as early as possible on Monday morning. Before he wrote it he conferred with others and after he wrote it ~~others~~ Moyers, one of those with whom he'd spoken, got through to LBJ at about 9 p.m., as recorded in the Secret Service records from the Johnson library, that being before the Johnson taping system was installed. You'll remember the ~~best~~ with perhaps one exception and that not necessary to your writing here.

When the Johnson tapes were provided to me, through the seventh day, there was no tape transcript of any ~~con~~ conversation with Euge Debs Rostow. Don Gibson did get that page or those pages and from them draws the at least ~~justified~~ <sup>fact</sup> that what is recorded in that Katz. memo originated with that Rostow.

This is, I think, a fine piece of work! Look forward to more of it!

We had a most enjoyable visit from Dennis and Nancy. We have always been very fond of both and in these, our less mobile days, we are even happier to see those we love. Both were wonderful and we are pleased that they took the time and ~~cost~~ went to that expense.

They also look great. As did Dave about a week ago.

Thanks and best to you all,

Harold

Oswald was overwhelming by the time Jack Ruby stepped in to snuff out his life. Perhaps the only major obstacle to this rush to judgment was Oswald's steadfast insistence that he was innocent, an insistence he sustained even when pressed for a confession as he lay dying in the basement of Dallas Police Headquarters. (8)

With Oswald's death, and thus no possibility that this allegedly overwhelming case against him could be publicly presented and tested in court, it fell to federal government authorities to make the case for Oswald as the lone assassin. As already noted, J. Edgar Hoover had made up his mind within hours of Oswald's arrest. That Sunday evening there were discussions involving Mr. Hoover, Deputy Attorney General Nicholas Katzenbach, and President Johnson about this situation. These discussions <sup>followed</sup> culminated in a memorandum <sup>+ typed the following day</sup> issued the following day, by Mr. Katzenbach. It states the government's position in no uncertain terms that Oswald was the sole assassin:

"The public must be satisfied that Oswald was the assassin; that he did not have confederates who are still at large; and that the evidence was such that he would have been convicted at trial." (9)

The memo goes on to urge that speculation about Oswald's motivation should be cut off and that the FBI should issue a report on this as soon as possible -- proving Oswald guilty of course.

The FBI had already been involved in the investigation and it took the ball from here and began compiling its own report which it completed in less than three weeks. To no one's surprise, that report declared Oswald the sole assassin. That conclusory judgment, which is uncharacteristic of any investigatory agency, was leaked to the press. Most of that report, which was unavailable until it was later deposited in the National Archives along with other Warren Commission documents (and was labeled CD-1), consisted of biographical detail on Oswald. Regarding the crime itself, it contained less than 500 words in five volumes of material! (10) This overwhelming case the FBI had compiled ignored one of the victims, one of the wounds to President Kennedy, and did not even have the benefit of support from the autopsy report, which the FBI had declined to review! (11)

From the desk of . . .

Gerald A. Ginocchio

Dear Harold,

June 21, 2000

Enclosed is a revision of the essay on Time's coverage of the JFK assassination, a rough draft of which I sent you last September. I finally had a block of time after the school year ended. I believe it is a substantial improvement over the rough draft, thanks largely to your comments and suggestions. However, I am still not entirely satisfied with my writing and I know some parts could be expanded on. Nonetheless, I may submit it to a conference in the near future. I believe I will also send a copy to Time. At the very least, I will be able to make use of it in my teaching.